

SEP 10 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ELIYAHU GOLDSTEIN,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 05-74520

Agency No. A72-237-848

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted September 8, 2008<sup>\*\*</sup>

Before: TASHIMA, SILVERMAN, and N.R. SMITH, Circuit Judges.

Eliyahu Goldstein, a native and citizen of the United Kingdom, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") removal order. We have jurisdiction pursuant to

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

8 U.S.C. § 1252. We review for substantial evidence whether the government met its burden of showing Goldstein abandoned his lawful permanent residence in the United States. *Singh v. Reno*, 113 F.3d 1512, 1514 (9th Cir. 1997). We deny the petition for review.

Substantial evidence supports the IJ’s determination that Goldstein abandoned his lawful permanent resident status, because the record does not compel the conclusion that he continually intended to return to the United States promptly. *See id.* (“[t]he relevant intent is not the intent to return ultimately, but the intent to return to the United States within a relatively short period”); *see also Chavez-Ramirez v. INS*, 792 F.2d 932, 937 (9th Cir. 1986) (alien’s trip abroad is temporary only if he has a “continuous, uninterrupted intention to return to the United States during the entirety of his visit”).

**PETITION FOR REVIEW DENIED.**